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FISCAL IMPACT STATEMENT

LS 7650

BILL NUMBER: HB 1757

NOTE PREPARED: Jan 10, 2003

BILL AMENDED:

SUBJECT: Regulation of Pharmacy Technicians.

FIRST AUTHOR: Rep. Klinker

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill establishes a certification program for pharmacy technicians and a permit program for pharmacy technicians in training. The bill also establishes penalties for violations.

Effective Date: July 1, 2003.

Explanation of State Expenditures: The Board of Pharmacy would be responsible for issuing the pharmacy technician certificates and pharmacy technician in training permits and would be able to adopt rules regarding the issuance of the certificate and permit. The cost of a Board of Pharmacy meeting is estimated to be \$540. If an additional meeting is required to carry out this proposal, the Board's expenditures would increase approximately \$540. Administrative, printing and postage costs may also be associated with issuing a new license, however, the revenue generated from the fee will offset a portion of the additional expenditures.

Penalty Provision - This bill makes it a Class D felony to practice as a pharmacy technician or a pharmacy technician in training without the respective certificate or permit. It is also made a Class D felony if anyone, other than specified in the bill, receives access to a pharmacy area or if anyone has access to a pharmacy area and a pharmacist is not on duty. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: The HPB would be required to charge a fee of at least \$50 for each certificate or permit issued. The amount of revenue generated is dependent on the actual price charged and the number pharmacy technicians and pharmacy technicians in training who qualify and apply for the license. According to the Health Professions Bureau, there were approximately 1,360 active pharmacy permits as of October 2002. If at least two people from each pharmacy are required to obtain pharmacy technician certification or a pharmacy technician in training permit, the minimum \$50 fee would generate \$136,000 based on the number of active pharmacy permits. Revenue generated by the certificates and permits would be deposited in the State General Fund.

Penalty Provision - If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provision* - If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision* - If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Health Professions Bureau, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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